

Title VIII - FORESTRY

Section-by-Section

Subtitle – A – Cooperative Forestry Assistance Act of 1978

Section 8001. National priorities for private forest conservation

Amends section 2 of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2101] by creating a new subsection (c). This section establishes national private forest conservation priorities that the Secretary shall use when allocating funds made available under the Cooperative Forestry Assistance Act of 1978.

Subsection (d) requires the Secretary to submit a report to Congress by September 20, 2011 that describes how Cooperative Forestry Assistance Act funding has been used to address the national priorities established in subsection (c).

Section 8002. Community Forest and Open Space Program

Amends the Cooperative Forestry Assistance Act of 1978 by inserting after section 7 (16 U.S.C. 2103c) a new section (7A) entitled Community Forest and Open Space Conservation Program.

Subsection (a) provides definitions that will be used for the Community Forest and Open Space Conservation Program. Subsection (b) is the establishment of the program.

Subsection (c) establishes a grant program that provides a Federal cost share equal to not more than 50-percent of the cost to acquire one or more parcels of land. An eligible entity shall provide a non-Federal match in cash, donation, or in kind equal to the outstanding amount. An application process is established where an eligible entity shall submit to the State forester or equivalent official (or in the case of an eligible entity that is an Indian tribe an equivalent official of the Indian tribe) an application that includes a description of land to be acquired and a forest plan that includes a description of community benefits achieved from acquisition.

Subsection (d) requires eligible entities to provide public access for recreational use consistent with the purposes of the program.

Subsection (e) requires an eligible entity that sells or converts land acquired under this program to non-forest use to reimburse the Federal Government an amount equal to the greater of the sale price or current appraisal value. The eligible entity will also no longer be eligible for additional grants under this program.

Subsection (f) allows the Secretary to allocate 10-percent of funds to made available for this program to State foresters or equivalent official (or in the case of an eligible entity that is an Indian tribe an equivalent official of the Indian tribe) for program administration and technical assistance.

Subsection (g) authorizes an appropriation of such sums as necessary to carryout the program.

Section 8003. Federal, State, and local coordination and cooperation

Amends section 19(b)(2)(D) of the Cooperative Forestry Assistance Act of 1978 by stating applications submitted by Indian tribes do not have to pass through the State Coordinating Committee.

Section 8004. Comprehensive statewide forest planning

Amends the Cooperative Forestry Assistance Act of 1978 by inserting after section (19) (16 U.S.C. 2113) a new section (20) entitled comprehensive statewide forest planning.

Subsection (a) establishes the comprehensive statewide forest planning program under which the Secretary shall provide financial and technical assistance to States for use in the development and implementation of statewide forest resource assessments and plans.

Subsection (b) establishes that for a State to be eligible to receive funds under the Cooperative Forestry Assistance Act of 1978, the State forester or equivalent State official shall develop a statewide forest resource assessment and plan that incorporates any current forest management plan in the state; addresses the needs of the region without regard to state borders; and provides a comprehensive statewide plan for managing forestland that achieves the national priorities in section 2(c) Cooperative Forestry Assistance Act of 1978.

Subsection (c) requires the State Forester or equivalent State official to coordinate with the State Forest Stewardship Coordination Committee, State wildlife agencies, the State Technical Committee and other applicable Federal land management agencies in developing statewide assessments and plans.

Subsection (d) requires the Secretary to review the statewide assessments and plans established under this section.

Subsection (e) authorizes \$10,000,000 to be appropriated to carryout this section.

Section 8005. Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

Amends Section 13(d)(1) of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2109(d)(1)] by allowing the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to be eligible for Cooperative Forestry Assistance Act funding.

Subtitle B – Tribal-Forest Service Cooperative Relations

Section 8101. Definitions

Provides definitions for Indian, Indian Tribe and National Forestry System that will be used under this subtitle.

PART I- COLLABORATION BETWEEN INDIAN TRIBES AND FOREST SERVICE

Section 8111. Forest Legacy Program

Amends section 7(a) of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2103c] by including Indian tribes as a direct participant in the Forest Legacy Program.

Subsection (b) amends section 7(l) of the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2103c(l)] to allow Indian tribes to receive a grant from the Secretary to carry out the Forest Legacy Program.

Section 8112. Forestry and resource management assistance for Indian tribes

Creates a stand alone provision that authorizes the Secretary to provide financial, technical, educational and related assistance to Indian tribes for consultation and coordination with the Forest Service on issues relating to access to Forest Service land by members of a tribe for traditional, religious and cultural purposes; coordinated or cooperative management of resources shared by the tribe and the Forest Service; the provision of tribal traditional or cultural knowledge or expertise; projects and activities for conservation education and awareness with respect to forestland and grassland that is eligible Indian land; and technical assistance for forest resources planning, management, and conservation on eligible Indian land.

Subsection (c) establishes that Indian tribes can only participate in the established Forestry and resource management assistance program or the forest stewardship program under section 5 of the Cooperative Forestry Assistance Act of 1978.

Subsection (d) requires the Secretary to promulgate regulations to implement subsection (b), including rules for determining the distribution of assistance.

Subsection (e) requires the Secretary to coordinate with the Secretary of the Interior to ensure that activities under subsection (b) do not conflict with Indian tribal programs at the Department of the Interior.

PART II – CULTURAL AND HERITAGE COOPERATION AUTHORITY

Section 8121. Purposes

Authorizes the reburial of human remains and cultural items, including items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), on National Forest System land; prevents the unauthorized disclosure of information regarding burial sites; authorizes that the Secretary may allow access to National Forest System land by Indians and Indian tribes for traditional and cultural purposes; authorizes the Secretary to protect the confidentiality of certain information that is culturally sensitive to Indian tribes.

Section 8122. Definitions

For the purpose of this section provides definitions for adjacent site, cultural items, human remains, lineal descendant, reburial site, and traditional and cultural purpose.

Section 8123. Reburial of human remains and cultural items

Authorizes that the Secretary may allow the use of National Forest System land for reburial of human remains or cultural items in possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or adjacent site.

Section 8124. Temporary closure for traditional and cultural purposes

Authorizes that the Secretary may temporarily close from public access specifically designated National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes on the smallest practicable area for a minimal period of time.

Section 8125. Forest products for traditional and cultural purposes

Authorizes that the Secretary may provide Indian tribes forest products from National Forest System used for traditional and cultural purposes as long as those forest products are not used for commercial purposes.

Section 8126. Prohibition on disclosure

Authorizes that the Secretary shall not be required to disclose information under the Freedom of Information Act [5 U.S.C. 552] relating to human or cultural items reburied on National Forest System land or a site used for traditional and cultural purposes by an Indian tribe.

Subsection (b) allows the Secretary to disclose information about the location of human remains or cultural items if the Secretary consults with an affected Indian tribe or lineal descendant before disclosure and determines that disclosure is necessary to protect human remains or cultural items from harm, theft, or destruction and mitigates any adverse impacts that may result from disclosure.

Section 8127. Severability and savings provision

Authorizes if any provision in this section is not valid that will not affect the remainder of the section; if any preexisting agreement is in place this section will not supersede the existing agreement.

Subtitle C – Amendments to Other Laws

Section 8201. Renewable resources extension activates

Amends section 6 of the Renewable Resources Extension Act of 1978 [16 U.S.C. 1675] to reauthorize the program through 2012.

Section 8203. Office of International Forestry

Amends section 2450(d) of the Global Climate Change Prevention Act [7 U.S.C. 6704(d)] by reauthorizing the Office of International Forestry within the U.S Forest Service through 2012.